

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

10x GENOMICS, INC. and PRESIDENT AND
FELLOWS OF HARVARD COLLEGE,

Plaintiffs,

v.

VIZGEN, INC.,

Defendant.

C.A. No. 22-595-MFK

VIZGEN, INC.,

Counterclaim-Plaintiff,

and

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Counterclaim-Plaintiff as to
certain claims,

v.

10x GENOMICS, INC.,

Counterclaim-Defendant as to
certain claims,

and

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

Counterclaim-Defendant as to
certain claims.

DEFENDANT AND COUNTERCLAIM-PLAINTIFF VIZGEN'S MOTION TO STAY

Defendant and Counterclaim-Plaintiff Vizgen, Inc. ("Vizgen") respectfully requests that the Court stay all claims and counterclaims pending resolution of Vizgen's unclean hands and license defenses and Vizgen's Counterclaim XXII. The grounds for this motion are set forth in Vizgen's Opening Brief, filed contemporaneously.

Dated: April 25, 2023

Respectfully submitted,

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PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,

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certain claims.

[PROPOSED] ORDER

At Wilmington, this ____ day of _____, 2023, IT IS HEREBY ORDERED that Defendant and Counterclaim-Plaintiff Vizgen, Inc.’s (“Vizgen”) Motion to Stay is GRANTED. All claims and counterclaims in the above-captioned case are stayed pending resolution of Vizgen’s unclean hands and license defenses and Vizgen’s Counterclaim XXII.

The Honorable Matthew F. Kennelly

D. DEL. L.R. 7.1.1 CERTIFICATION

The undersigned certifies that counsel for Vizgen, Inc. (“Vizgen”) made a reasonable effort to reach agreement with counsel for 10x Genomics, Inc. and President and Fellows of Harvard College on the subject matter of this motion. On April 17, 2023, concurrently with the filing of its amended answer and counterclaims, Vizgen first requested a meet and confer on a motion for stay, and on April 20, 2023, provided a description of the requested relief with a request for an answer by April 21, 2023. On April 21, 2023, the parties conducted a meet and confer with Delaware counsel and further requested 10x and Harvard provide their position by April 24, 2023. Although Vizgen made a reasonable effort to obtain 10x’s and Harvard’s positions, as of the date of filing, neither party agreed to a stay.

Dated: April 25, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 25, 2023, a copy of the foregoing document was served on the counsel listed below in the manner indicated:

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